

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.35772 of 2008

1. KISHUN RAI
2. RAVINDAR RAI
3. BILLA RAI

Versus

THE STATE OF BIHAR

3/ 27/11/2008. Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend arrest in a police case under Sections- 364, 302, 201 and 120B of I.P.C.

It is submitted that the son of the informant died in a road accident for which Hajipur Sadar P.S. Case No.349/05 was registered on 22.9.2005. The post mortem of the deceased was also held when his body was handed over to the informant and his relatives also took part in cremation. In respect to a death of 22.9.2005 the present F.I.R. has been lodged on false allegations on 5.7.2008. The fact of the death of the deceased in a road accident on 22.9.2005 finds reference at paragraph-20 of the case diary.

Learned counsel for the State fairly acknowledges that the impugned order of rejection does not take into consideration paragraph-20 of the case diary and the details of the aforesaid police case, but proceeds to reject the application on basis of certain other paragraphs of the case diary.

Having considered the facts and circumstances of the case, let the petitioners above named surrender before the court below within four weeks when they shall be enlarged on anticipatory bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) each along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Goraul P.S. Case No.136/06, subject to the conditions laid down under Section-438(2) Cr.P.C.

KC

(Navin Sinha, J)

